

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ANDRE DEON JONES, #240 139,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:17-CV-26-WKW
	)	[WO]
EDWARD ELLINGTON, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff, a state inmate, filed this 42 U.S.C. § 1983 complaint on January 11, 2017. Prior to service of the complaint, Plaintiff filed a motion (Doc. # 25) wherein he requests dismissal of this case. The court construes the motion as a notice of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), which permits voluntary dismissal by a plaintiff “before the opposing party serves either an answer or a motion for summary judgment[.]” Under Fed. R. Civ. P. 41(a)(1)(B), such dismissal is “without prejudice.”

Because the notice of dismissal comports with Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiff Andre Deon Jones’s claims against Defendants Edward Ellington, T. Myrick, James Kelly, Brenda King, J. Wiggins, J. Morris, and Nurse Mitchell have been dismissed by operation of Rule 41(a)(1).

The Clerk of the Court is DIRECTED to close this case.

DONE this 19th day of July, 2017.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE